

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re

Lordstown Motors Corp., *et al.*,¹

Debtors.

Chapter 11

Case No. 23-10831 (MFW)

(Jointly Administered)

Re: D.I. 417

**CERTIFICATION OF COUNSEL CONCERNING ORDER PURSUANT
TO SECTION 327(e) OF THE BANKRUPTCY CODE AUTHORIZING THE
EMPLOYMENT AND RETENTION OF WINSTON & STRAWN LLP AS
DEBTORS' SPECIAL LITIGATION COUNSEL, EFFECTIVE AS OF AUGUST 15, 2023**

The undersigned hereby certifies as follows:

1. On September 12, 2023, the debtors and debtors in possession in the above-captioned cases (collectively, the “**Debtors**”) filed the *Debtors’ Application For An Order Authorizing the Retention and Employment of Winston & Strawn, LLP As Special Litigation Counsel, Effective As Of August 15, 2023* [D.I. 417] (the “**Application**”) with the United States Bankruptcy Court for the District of Delaware, 824 North Market Street, 3rd Floor, Wilmington, Delaware 19801 (the “**Bankruptcy Court**”). Pursuant to the Application, the Debtors are seeking entry of an order authorizing the Debtors to employ and retain Winston & Strawn LLP (“**Winston**”) as special litigation counsel, effective as of August 15, 2023, all as set forth in greater detail in the Application.

2. Pursuant to the *Notice of “Debtors’ Application For An Order Authorizing the Retention and Employment of Winston & Strawn, LLP As Special Litigation Counsel, Effective*

¹ The Debtors and the last four digits of their respective taxpayer identification numbers are: Lordstown Motors Corp. (3239); Lordstown EV Corporation (2250); and Lordstown EV Sales LLC (9101). The Debtors’ service address is 27000 Hills Tech Ct., Farmington Hills, MI 48331.

As Of August 15, 2023” and Hearing Thereon, filed contemporaneously with the Application, objections or responses to the Application were to be filed and served no later than 4:00 p.m. (Eastern Daylight Time) on September 26, 2023 (the “**Objection Deadline**”²). A hearing to consider the relief requested in the Application is currently scheduled to take place before the Bankruptcy Court on October 18, 2023 starting at 10:30 a.m. (Eastern Daylight Time).

3. Prior to the Objection Deadline, each of (i) the Creditors’ Committee; and (ii) the Equity Committee provided informal comments to the Application (together, the “**Informal Responses**”).

4. Other than the Informal Responses, as of the date hereof, the Debtors have not received any other responses or objections in connection with the Application, nor do any objections thereto appear on the Bankruptcy Court’s docket in the Debtors’ chapter 11 cases. To fully resolve the Informal Responses, the Debtors have (i) provided the parties who made the Informal Responses with additional information in connection with the Application, and (ii) prepared a revised form of order (the “**Revised Order**”) in connection with the Application. A copy of the Revised Order is attached hereto as **Exhibit A**. A redline, comparing the Revised Order against the form of order originally filed along with the Application is attached hereto as **Exhibit B**.

5. The Revised Order has been circulated to (i) the Debtors; (ii) the Office of the United States Trustee for the District of Delaware; (iii) counsel to the Creditors’ Committee; (iv) proposed counsel to the Equity Committee; and (v) Winston, and each of the parties to whom the Revised Order was circulated has indicated that it has no objection to the entry of the Revised

² The Debtors agreed to extend the Objection Deadline for the Official Committee of Unsecured Creditors (the “**Creditors’ Committee**”) and the Official Committee of Equity Security Holders (the “**Equity Committee**”) only through and including September 29, 2023 at 4:00 p.m. (Eastern Daylight Time).

Order.

6. The Debtors therefore respectfully request that the Bankruptcy Court enter the Revised Order, substantially in the form attached hereto as **Exhibit A**, at its earliest convenience.

Dated: October 2, 2023

Respectfully submitted,

/s/ Jason M. Madron

RICHARDS, LAYTON & FINGER, P.A.

Kevin Gross (No. 209)
Daniel J. DeFranceschi (No. 2732)
Paul N. Heath (No. 3704)
Amanda R. Steele (No. 5530)
Jason M. Madron (No. 4431)
James F. McCauley (No. 6991)
One Rodney Square
920 N. King Street
Wilmington, DE 19801
Telephone: (302) 651-7700
Facsimile: (302) 651-7701
gross@rlf.com
defranceschi@rlf.com
heath@rlf.com
steele@rlf.com
madron@rlf.com
mccauley@rlf.com

*Proposed Co-Counsel to Debtors and
Debtors in Possession*

WHITE & CASE LLP

Thomas E Lauria (admitted *pro hac vice*)
Matthew C. Brown (admitted *pro hac vice*)
Fan B. He (admitted *pro hac vice*)
200 South Biscayne Boulevard, Suite 4900
Miami, FL 33131
Telephone: (305) 371-2700
tlauria@whitecase.com
mbrown@whitecase.com
fhe@whitecase.com

David M. Turetsky (admitted *pro hac vice*)
1221 Avenue of the Americas
New York, NY 10020
Telephone: (212) 819-8200
david.turetsky@whitecase.com

Jason N. Zakia (admitted *pro hac vice*)
111 South Wacker Drive, Suite 5100
Chicago, IL 60606
Telephone: (312) 881-5400
jzakia@whitecase.com

Roberto Kampfner (admitted *pro hac vice*)
Doah Kim (admitted *pro hac vice*)
RJ Szuba (admitted *pro hac vice*)
555 South Flower Street, Suite 2700
Los Angeles, CA 90071
Telephone: (213) 620-7700
rkampfner@whitecase.com
doah.kim@whitecase.com
rj.szuba@whitecase.com

*Co-Counsel to Debtors and
Debtors in Possession*